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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY NICOSIA, et al.,

Plaintiffs,

No. C 10-0398 PJH

v.

WELLS FARGO BANK, et al.,

Defendants.

**NOTICE AND ORDER
CONTINUING HEARING DATE**

In view of the press of business and the voluminous law and motion calendar scheduled for October 27, 2010, the hearing on plaintiffs' motion for preliminary injunction, which was previously set for October 27, 2010, at 9:00 a.m., has been CONTINUED to November 3, 2010, at 9:00 a.m., in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California 94612.

The court is also in receipt of plaintiffs' recently filed motion to remand, presently set for hearing on November 17, 2010. The court would normally prefer to hear plaintiffs' motion to remand prior to ruling on the motion for preliminary injunction. However, in view of defendants' August 19 representation that the foreclosure sale is currently set for November 5, 2010, the court does not wish to continue the hearing on the motion for preliminary injunction to a date beyond the 5th. The court does note that defendants' opposition to the motion to remand is due October 27, 2010. Thus, if plaintiffs indicate in writing to the court no later than October 27 that they wish to forego the submission of any reply brief in connection with the motion to remand, the court will advance the hearing on the motion to remand, so that it may be heard in conjunction with the motion for preliminary

1 injunction on November 3.

2 **IT IS SO ORDERED.**

3 Dated: October 22, 2010



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PHYLLIS J. HAMILTON
United States District Judge